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# A BILL FOR AN ACT

RELATING TO DISINTERMENT OF HUMAN BODIES.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1       SECTION 1. Section 338-25.5, Hawaii Revised Statutes, is  
2 amended by amending subsection (a) to read as follows:

3       "(a) No corpse, nor the remains of any dead human body,  
4 exclusive of ashes, shall be exposed, disturbed, or removed from  
5 its place of burial, nor shall the receptacle, container, or  
6 coffin holding the remains or corpse be opened, removed, or  
7 disturbed after due interment, except upon written application  
8 made to the director of health for a permit therefor and upon  
9 the issuance and according to the terms of a permit granted  
10 therefor by the director. After any removal or disturbance the  
11 grave shall be filled at once and restored to its former  
12 condition. A cemetery authority with a current and active  
13 license with the department of commerce and consumer affairs may  
14 disinter and reinter a corpse or remains within that same  
15 cemetery without filing an application for a permit from the  
16 department of health if the cemetery authority has written  
17 authorization from the majority of the next-of-kin of the person



1 whose corpse or remains is disinterred, as determined by the  
2 priority of succession order required by section 531B-4;  
3 provided that this exception shall not apply to disinterment of  
4 a corpse or remains for transfer off of the cemetery property to  
5 another physical address. The cemetery authority may require a  
6 licensed embalmer to be available during the disinterment in the  
7 event that human remains may be exposed.

8 For the purposes of this subsection, "cemetery," "cemetery  
9 authority," and "cemetery property" have the same meaning as  
10 provided in section 441-1."

11 SECTION 2. New statutory material is underscored.

12 SECTION 3. This Act shall take effect on July 1, 2019.



**Report Title:**

Cemetery Authority; Disinterment of Human Bodies

**Description:**

Allows cemetery authorities with a current and active license with the Department of Commerce and Consumer Affairs to disinter and reinter the corpse or remains of a human body within that same cemetery without filing an application for a permit with the Department of Health. (SD1)

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